

NATIONAL RECOVERY ADMINISTRATION

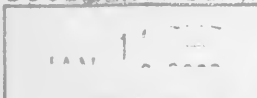
**PROPOSED
CODE OF FAIR COMPETITION
FOR THE
LEGITIMATE FULL LENGTH DRAMATIC
AND MUSICAL THEATRICAL
INDUSTRY**

AS APPROVED ON AUGUST 16, 1933

BY

PRESIDENT ROOSEVELT

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1. Executive Order Approving Code
2. Administrator's Report to the President
3. Text of Code

**UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1933**

NOTICE OF THE BOARD OF DIRECTORS

RESOLVED

THAT THE BOARD OF DIRECTORS

DO HEREBY

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EXECUTIVE ORDER

An application having been duly made, pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for the Legitimate Full Length Dramatic and Musical Theatrical Industry, and hearings having been held thereon and the Administrator having rendered his report containing an analysis of the said Code of Fair Competition together with his recommendations and findings with respect thereto, and the Administrator having found that the said Code of Fair Competition complies in all respects with the pertinent provisions of Title I of said Act and that the requirements of clauses (1) and (2) of subsection (a) of Section 3 of the said Act have been met:

Now, therefore, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do adopt and approve the report, recommendations, and findings of the Administrator and do order that the said Code of Fair Competition be and it is hereby approved.

FRANKLIN D. ROOSEVELT.

HUGH S. JOHNSON, *Administrator.*

THE WHITE HOUSE,

August 16, 1933.

AUGUST 14, 1933.

INTRODUCTION

TO THE PRESIDENT:

This is a report of the Hearing on the Code of Fair Competition for the Legitimate Full Length Dramatic and Musical Theatrical Industry in the United States, conducted in the Caucus Room of the Old House Office Building, in Washington, D.C., on August 10th, 1933, in accordance with the provisions of the National Industrial Recovery Act.

The following papers are included and annexed:

1. Code submitted.
2. Notice of Hearing.
3. Statement of procedure.
4. Transcript of Record.
5. Report of the Deputy.

GENERAL CHARACTERISTICS OF THE INDUSTRY

The Legitimate Full Length Dramatic and Musical Theatrical Industry is declared to embrace the full length theatrical perform-

ances of dramatic and musical plays, including stock company productions, all as differentiated from grand opera, vaudeville, presentation, "rep" show, "tab" show, tent show, wagon show, Chautauqua, show-boat, burlesque or motion or sound picture performance.

The number of persons employed in the industry constantly varies in direct proportion with the number of legitimate theatrical productions publicly presented.

THE CODE

The Code of Fair Competition as revised and presented by this industry has attempted to promote the production of legitimate dramatic and musical productions, and its provisions are designed to that end.

For the first time in the history of the legitimate theatre minimum wages and maximum number of hours have been fixed by agreement for actors, press representatives, company managers, house treasurers, and other labor. Wages have not been reduced, and, indeed, have been raised. Hours generally have been reduced.

The trade practices declared unfair have been especially designed to promote the production of dramatic and musical plays and to attract the investment of capital into this industry.

* * * * *

Of the employer groups approving the Code it is stated that the National Association of the Legitimate Theatre embraces more than 95 percent of employers managing or owning legitimate theatres, or managing or producing full-length dramatic or musical plays, and that the National Dramatic Stock Association embraces more than 60 percent of the persons engaged in the management or production of full-length dramatic or musical stock plays.

I find that:

(a) The Code as revised complies in all respects with the pertinent provisions of Title I of the Act including, without limitations, sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof; and that.

(b) The National Association of the Legitimate Theatre and the National Dramatic Stock Association impose no inequitable restrictions upon admission to membership therein and are truly representative of the legitimate full-length dramatic and musical theatrical industry; and that

(c) The Code is not designed to eliminate or oppress small enterprises and will not operate to discriminate against them, and will tend to effectuate the policy of Title I of the National Industrial Recovery Act.

Accordingly, I adopt the report of the Deputy Administrator and I hereby recommend the approval of the Code of Fair Competition for the Legitimate Full-Length Dramatic and Musical Theatrical Industry.

Respectfully submitted.

HUGH S. JOHNSON,
Administrator.

CODE OF FAIR COMPETITION FOR THE LEGITIMATE FULL-LENGTH DRAMATIC AND MUSICAL THEATRICAL INDUSTRY

PREAMBLE

To effectuate the policy of Title I of the National Industrial Recovery Act to remove obstructions to the free flow of interstate and foreign commerce and to promote cooperative action to reduce and relieve unemployment, improve standards of labor, eliminate unfair competitive practices, avoid restriction of production, increase purchasing power, and rehabilitate industry, particularly as it pertains to the dramatic and musical comedy theatre known as the legitimate theatre with the expressed purpose of revitalizing it as a national institution so that the road may be restored and plays may once more be given in every part of the country, the following is adopted as a Code of Fair Competition for the Dramatic and Musical Comedy Theatre known as the Legitimate Theatre.

ARTICLE I—DEFINITIONS

1. The term "effective date" as used herein is defined to be the tenth day following the approval of this Code by the President.

2. The term "legitimate" is what is generally known as the legitimate full-length theatrical performances of dramatic and musical plays as differentiated from grand opera, vaudeville, presentation, "rep" show, "tab" show, tent show, wagon show, Chautauqua, show-boat, burlesque, or motion or sound picture performances.

3. The term "stock" is defined as legitimate theatrical performances rendered by a resident company of actors appearing in legitimate theatrical productions of dramatic or musical plays theretofore and previously produced, and which productions so given are changed at stated or frequent intervals.

4. The term "persons" as used herein shall include, without limitation, natural persons, partnerships, associations, and corporations.

5. The term "employer" as used herein shall include every person engaged in the management or ownership of theatres presenting, or the management or production of, full-length dramatic or musical plays.

6. The term "employee" as used herein shall include every person employed by any employer (as above defined).

ARTICLE II—ADMINISTRATION

1. With the approval of the President there shall be constituted a National Legitimate Theatre Committee to consist of one duly authorized representative each from Actors' Equity Association, Chorus Equity Association, the International Alliance of Theatrical Stage

Employees and Moving Picture Machine Operators of U.S. and Canada, American Federation of Musicians of the U.S. and Canada, United Scenic Artists of America, one duly authorized representative from the group of employees not hereinbefore embraced, one representative from The Dramatists' Guild of the Authors' League of America, three duly authorized representatives from the National Association of The Legitimate Theatre, Inc., two duly authorized representatives from the National Dramatic Stock Association (which shall have three representatives as members whenever questions relating solely to stock productions are considered), and not more than three representatives who may be appointed by the National Recovery Administrator.

2. With the approval of the President such committee shall be empowered to assist the National Recovery Administrator in administering the provisions of the Act as set forth in this Code; may initiate and shall consider such recommendations and regulations and interpretations including trade practices as may come before it and in such case shall in deliberations held without publicity and recorded in writing, submit to the National Recovery Administrator its advice setting forth in each instance whether said committee unanimously approves or unanimously rejects or is disagreed upon the proposal, and in such events the National Recovery Administrator shall determine.

3. Such committee shall also supervise the application of this Code and shall notify any and all persons subject to the jurisdiction of this Code of its provisions and regulations and shall designate such agents and delegate such authority as may be necessary to effectuate such purposes.

4. As and when any question shall be deliberated upon by the National Legitimate Theatre Committee with respect to the distribution of theatre tickets, two duly authorized representatives from the National Theatre Ticket Distributors, Inc., shall thereupon and only with reference to such questions become members of said National Legitimate Theatre Committee.

ARTICLE III—GENERAL LABOR PROVISIONS

1. The employers agree that employees of employers subject to the jurisdiction of this Code shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection; no employee of employers subject to the jurisdiction of this Code, and no one seeking employment from such employers, shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing; employers subject to the jurisdiction of this code shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment, approved or prescribed by the President.

2. To effectuate section 7 of the Industrial Recovery Act and in the interest of an American standard of living, the employers declare themselves in favor of fair scales of wages, proper hours and working conditions for all of their employees.

3. There are a number of rules and regulations presently existing in respective or collective agreements between the employers and their organized employees. The employers and employees pledge themselves to work for a readjustment of any and all conditions or rules or regulations which prove either to result in prohibitive production costs or in any loss of employment among all the employees of the employers.

ARTICLE IV—ACTORS

1. For actors with more than two years' theatrical experience, the employers agree to pay a minimum wage as follows: Where the box-office price of the theatrical attraction is \$4.50 or more top price, the minimum wage shall be \$50 per week; where the top box-office price of the theatrical attraction is \$4.00 or more but less than \$4.50, the minimum wage shall be \$45 per week; where the top box-office price of the theatrical attraction is more than \$3.00 but less than \$4.00, the minimum wage shall be \$42.50 per week; where the top box-office price of the theatrical attraction is \$3.00 or under, the minimum wage shall be \$40 per week.

2. For actors with less than two years' theatrical experience the employers agree to pay a minimum wage of \$25 per week.

3. For the chorus there shall be a minimum wage of \$30 per week, the employers subscribing to the wages presently fixed by the Chorus Equity Association.

4. The employers agree that at the end of two weeks of rehearsals, they will pay a full week's salary to all actors receiving \$100 a week or less; that for the first and second weeks of production half salaries shall be paid. This provision is designed to aid and assist actors who may require funds during the rehearsal periods. The prepayment of such actors is in the nature of an advance payment of salary.

5. There presently exist abuses with respect to the hours of labor of actors during the rehearsal period. The employers recognize that such abuses exist and hereby pledge themselves to the Actors' Equity Association and the Chorus Equity Association and through the National Legitimate Theatre Committee to adopt and put into force subject to the approval of the National Recovery Administrator within the shortest possible time after the effective date of this Code, regulations of such hours of labor during the rehearsal period which will be fair, just, and humane, conforming to the spirit of the National Industrial Recovery Act, and for the violation of which rules and regulations penalties shall be imposed.

6. The employers agree to a week of not more than 40 hours for actor employees. By reason of the peculiar nature of this industry this provision shall not be binding during the rehearsal periods, such periods having been above provided for.

7. Upon the payment of the week's salary herein provided for at the end of the two weeks of rehearsals, any bond or monies deposited by the employer shall be reduced by the amount of payment actually made against such salaries as described.

ARTICLE V—MUSICIANS, THEATRICAL STAGE EMPLOYEES AND MOVING PICTURE MACHINE OPERATORS

For those employees associated with organizations of or performing the duties of theatrical stage employees, moving picture machine operators or musicians, there shall be a minimum wage of thirty dollars (\$30.00) per week for eight performances per week and pro rata per performance or for rehearsals, and a forty-hour week. However, where the prevailing wage scale as of July 1st, 1933, enforced by the American Federation of Musicians or any of its locals with respect to musicians and enforced by the International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators or any of its locals with respect to theatrical stage employees or motion picture machine operators, whether weekly or daily, and the division of hours of labor, whether weekly or daily, are at a rate exceeding the minimum weekly wage scale herein provided for or less than the maximum number of hours per week herein provided for, such prevailing scales and hours of labor throughout the country shall be deemed to be and hereby are declared to be the minimum scale of wages and maximum number of hours with respect to such employees under this section of the Code.

ARTICLE VI—SCENIC ARTISTS

1. Since the relations of the employers are with firms of Scenic Artists having contractual relations with organizations of such labor, no minimum wage or maximum number of hours of labor with respect to such labor is fixed herein.

ARTICLE VII—TRANSFER MEN

1. The situation above set forth with respect to the scenic artists prevails also with respect to transfer men. The employers declare in favor of revision of the agreements of the Theatrical Truckmen's Union and the Allied Theatrical Transfer Association and pledge themselves to work for a readjustment of their present transfer costs.

ARTICLE VIII—THEATRICAL WARDROBE ATTENDANTS

1. For those employees associated with organizations of or performing the duties of theatrical wardrobe attendants, there shall be a minimum wage of \$30 per week for a 40-hour week. However, where the present prevailing wage scale enforced by the Theatrical Wardrobe Attendants' Union is a rate exceeding the minimum weekly wage scale herein provided for, such prevailing scale throughout the country shall be deemed to be and hereby is declared to be the minimum scale of wages with respect to such employees under this Code.

ARTICLE IX—COMPANY MANAGERS AND HOUSE TREASURERS

1. There shall be a minimum wage of \$40 per week for a 40-hour week for company managers and house treasurers.

ARTICLE X—PRESS REPRESENTATIVES

1. There shall be a minimum wage of \$50 per week for press representatives stationed in any particular locality and \$75 per week for press representatives who are traveling. The employers agree that they will give one week's notice of dismissal and agree that the employment of any press representative will be for not less than one week. Due to the varied nature of the work of the press representatives, it is not practical to fix a maximum number of hours per week.

ARTICLE XI—OTHER EMPLOYEES

1. For all other employees of the employers such as ushers, ticket takers, scrubwomen, theatre attendants, etc., there shall be a minimum wage of 30 cents per hour for a 35-hour week. There shall be a minimum wage of 30 cents per hour for porters for a 40-hour week.

2. Electrical workers, engineers, firemen, oilers, or other skilled mechanics who are directly employed by the employers as defined in this Code, shall receive a minimum wage at the rate of thirty dollars (\$30) per week for a 40-hour week whether such wage shall be computed hourly, daily, or weekly. If the prevailing wage scale and maximum number of hours per week as of July 1, 1933, as fixed in any contractual agreement between the employers and associations of any of such employees, however, shall be at a rate exceeding the minimum wage scale herein provided for or less than the number of hours per week herein provided for with respect to any of such employees, such scales and hours of labor in the localities where same were enforced shall be deemed to be and hereby are declared to be the minimum scale of wages and the maximum number of hours with respect to such employees in such localities under this section of the Code.

ARTICLE XII—STOCK PRODUCTIONS

1. Anything herein contained to the contrary notwithstanding, employees of employers engaged in presenting resident stock company productions shall receive minimum wages and work not longer than the maximum hours as hereafter in this article provided:

A. *Actors*.—(a) In cities of more than 500,000 population, not less than six actors regularly employed in the stock company shall receive a minimum wage of \$40 per week; other actors shall receive a minimum of \$25 per week; jobbers shall receive a minimum of \$15 per week; local jobbers shall be employed pursuant to the rules of the Actors' Equity Association.

(b) In cities of less than 500,000 population or in neighborhood or suburban localities in cities of more than 500,000 population, not less than four actors regularly employed in the stock company shall receive a minimum wage of \$40 per week; all other actors, excluding jobbers, shall receive a minimum of \$25 per week; jobbers and local jobbers shall be employed pursuant to the rules of the Actors' Equity Association and shall be paid a minimum wage of not less than \$14.50 per week in any city of between 250,000 and 500,000 population, of not less than \$14.00 per week in any city of between 2,500 and 250,000

population, and of not less than \$12.00 per week in towns of less than 2,500 population.

(c) The maximum number of hours for actors in stock companies shall be 40 hours per week (rehearsal periods by reason of the peculiar nature of stock company productions not being included).

(d) For the chorus there shall be a 40-hour week with a minimum wage scale: In productions presented during the period from May 30th to Labor Day in any year, \$25 per week where the highest admission price is \$1 or less, and \$30 per week where the highest admission price is more than \$1; and in productions presented during any other period in any year, \$30 per week where the highest admission price is \$1 or less, and \$35 per week where the highest admission price is more than \$1.

B. Stock company managers shall receive a minimum wage of \$25 per week for a 40-hour week.

C. Stock treasurers shall receive a minimum of \$20 per week for a 40-hour week.

D. Press representatives shall receive a minimum wage of \$25 per week for rendition of exclusive services to the employer. By reason of the varied nature of the work of such employees it is not practical to fix a maximum number of hours per week.

E. The provisions of Article XI, section 1, of this Code are hereby incorporated herein.

F. The provisions of Article V and Article XI, section 2, of this Code are hereby incorporated herein in all respects, saving to the stock company employers however the advantages of any special provisions in their favor enforced by or provided for in collective bargaining agreements with associations of such employees.

2. The provisions of Article XIV of this Code shall not apply to employers presenting stock company attractions.

ARTICLE XIII—CHILD LABOR

1. Employers shall not employ any employees under the age of sixteen years. However, with the consent of the proper governmental authority the employers may employ an actor under the age of sixteen years to fill a role especially written for a child actor or to fill a part requiring the services of a child actor.

ARTICLE XIV—DRAMATIC

1. The Dramatists' Guild of the Authors' League of America, Inc., as a means of ascertaining whether, in the Guild's opinion, certain provisions will operate to encourage theatrical production and thereby cause employment of actors and other employees of the legitimate theatre, as a temporary expedient voluntarily agree to pass an amendment to the minimum Basic Agreement in substance as follows:

2. Upon the execution of any production contract executed between the effective date of this amendment and September 15, 1934, the dramatist shall be paid a sum of not less than \$500, not returnable under any circumstances, which sum shall be an advance against royalties if the play runs three consecutive weeks in New York City

and which shall not be deducted from royalties if the play does not run the said three weeks in New York City. If the manager closes the play at the end of the first week's production, the manager shall pay to the dramatist his royalties in full to the date of closing and he shall thereupon be entitled to share to the extent of 15% in all monies received by the dramatist when the dramatist sells or otherwise disposes of the motion-picture rights in such play; if the manager closes the play at the end of two full consecutive weeks' production, he shall pay to the dramatist his royalties in full to the date of closing and thereupon his share of the said proceeds from the sale or other disposition of the motion-picture rights shall be 25%. If the play fails to run three weeks the control of the sale of the motion-picture rights shall be with the dramatist but the sale shall be made through the motion-picture Arbiter in order to protect the manager. This amendment shall become operative upon the effective date of this Code, provided the managers signatory to the Minimum Basic Agreement shall have ratified such amendment at a meeting.

ARTICLE XV—PARTICIPATION IN CODE

1. Any existing employers as herein defined, or employer who shall become such hereafter, whether members of any association or not, may participate in the Code and any subsequent revisions, additions, or amendments thereof, by indicating their intention of fully subscribing to the provisions of the Code, and by assuming the responsibilities of such participation.

ARTICLE XVI—TRADE PRACTICES

1. The employers agree that it shall be an unfair practice to violate the terms of any booking agreement. This declaration is required by reason of the abuses which have taken place in connection with cancellation of booking of road attractions in direct violation of the terms and provisions of such road booking attractions.

2. The employers agree that it shall be an unfair practice for any employer to aid, abet, or assist in the voluntary release or dismissal of any actor for the purpose of permitting such actor to leave the cast of an attraction then playing in order to accept employment in motion pictures. This declaration is required in order to preserve and protect the rights of all concerned in the presentation of a legitimate production in such instances where one of the players to enter motion pictures with the aid and assistance of the employer leaves the attraction, weakening the same and necessitating the closing of such attraction and the resultant unemployment of other persons associated in the presentation of such attraction.

3. The employers agree that it shall be an unfair practice for any employer to aid, abet, or assist in the voluntary release or dismissal of any author, dramatist, or actor employed in rendering his exclusive services in connection with the production of a motion picture for the purpose of securing the services of such author, dramatist, or actor.

4. The employers pledge themselves not to distribute any of their tickets to any cut-rate ticket agency in the event any such ticket

agency shall discriminate in the handling or distribution of such tickets in turn to the public. By discrimination is meant the favoring of certain attractions against others.

5. The employers pledge themselves to eliminate the abuses now existing with respect to the distribution of legitimate theatre tickets to the public. The employers agree that they will not distribute their tickets to the public directly at prices in excess of the theatre box-office price fixed for such tickets. The employers agree that they will not distribute their tickets to the public through agencies except

(a) To recognize bona fide agencies regularly and customarily engaged in the offering of theatre tickets to the public, and

(b) To such agencies which will not charge the public for such tickets any sums in excess of their box-office price plus a proper agency fee satisfactory to the National Legitimate Theatre Committee.

In the enforcement of the foregoing provisions the employers shall treat all agencies equally.

6. The employers pledge themselves to retain in the box office for sale direct to the public a fair percentage of seats in all parts of the house, this percentage to be determined by the National Legitimate Theatre Committee.

7. It shall be an unfair practice for employers to aid or assist in the indiscriminate distribution of free passes for attractions.

8. It shall be an unfair practice for employers to aid or assist in the "throw-away" ticket system under which admission to the theatre may be secured by presentation of a ticket slip good for a number of tickets upon payment of a small charge. This provision shall not apply unless three or more productions are being presented in direct competition with each other (road shows and try-out attractions not being productions within the meaning of this section 8 hereof).

ARTICLE XVII—RELATION OF THE THEATRE TO THE PUBLIC

1. The relation of the theatre to the public should be grounded on honesty and a policy of fair dealing. The employers, therefore, reiterate the need of honest and nondiscriminatory sale and distribution of tickets.

2. The employers declare themselves in favor of a sincere and honest advertising policy.

3. The employers agree not to distort reviews by deletion or otherwise in their advertising, and give a false impression of what a critic has said.

4. The employers pledge themselves to adhere to the advertised time for curtain raising.

ARTICLE XVIII—DECLARATION OF POLICY

1. To eliminate sub-standard and sweatshop conditions in stage productions, and to assure the patrons that the productions have been given under proper standards in accordance with the National Industrial Recovery Act, all such productions shall be advertised under an N.R.A. label.

2. The employers pledge themselves to cooperate to establish a uniform standard form of contract with booking agencies for all legitimate attractions.

3. The employers agree that in all cooperative productions the minimum wages for all employees shall be those as prescribed in this Code.

4. The employers agree that insofar as they can control the distribution of the same, the motion picture of a currently playing legitimate attraction should not be permitted to be released until such attraction has had the fullest opportunity to complete its run and enjoy road showing.

5. The employers agree to the employment of actors, except where they themselves employ such actors directly, through agencies recognized and acceptable to the Actors' Equity Association.

ARTICLE XIX—SPECIAL TRY-OUT ATTRACTIONS

1. Special try-out attractions (known as "summer season companies" or "winter season companies" as the case may be) are excepted from the operation of Articles IV, V, VIII, IX, X, XI, and XII of this Code. The National Legitimate Theatre Committee shall consider and recommend provisions embracing the subject matter of such articles of this Code for such production.

ARTICLE XX—VIOLATIONS

1. Violations by any persons subject to the publications of this Code, of any provisions of this Code, or of any approved rule issued thereunder, or of any agreement entered into by him with the aforementioned National Legitimate Theatre Committee to observe and conform to this Code and said rules, is an unfair method of competition and the offenders shall be subject to the penalties imposed by the National Industrial Recovery Act.

ARTICLE XXI—AMENDMENTS

This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provision of Clause 10 (b) of the National Industrial Recovery Act, from time to time to cancel or modify any order, approval, license, rule or regulation, issued under Title I of said Act, and specifically to the right of the President to cancel or modify his approval of this Code, or any conditions imposed by him upon his approval thereof.

Such of the provisions of this Code as are not required to be included therein by the National Industrial Recovery Act may, with the approval of the President, be modified or eliminated as changes in circumstances or experience may indicate. It is contemplated that from time to time supplementary provisions to this Code, or additional Codes, will be submitted for approval of the President to prevent unfair competition and other unfair destructive competitive practices and to effectuate the other purposes and policies of Title I of the National Industrial Recovery Act consistent with the provisions hereof.

ARTICLE XXII—SAVING PROVISION

1. If any court of competent jurisdiction shall finally determine that any Article or section of any Article in this Code shall be invalid, all other Articles and sections of this Code shall nevertheless remain and continue in full force and effect in the same manner as though they had been separately presented for approval and approved by the President.





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